

Hetch Hetchy Removal: Legal Considerations

Dam and reservoir removal project

- A. Authority of party or parties responsible for removal
 1. Existing authority
 2. New State and federal legislation
- B. Water quality impacts of removal (e.g., CWA Sec. 404)
- C. Environmental documentation and protection.
- D. Safety issues (e.g., dam safety)

Consequences of removal

- A. Flow alteration
 1. Flooding and flood control (including Corps of Engineers/New Don Pedro operations issues)
 2. Instream impacts (e.g., Fish and Game Code Sec 1601; State and federal Endangered Species Acts; Wild and Scenic Rivers Act)
 3. Water quality impacts (Clean Water Act)
 4. Forest Service/Department of Interior management issues
 5. Other downstream impacts
- B. Recreational impacts
- C. Water rights/supply impacts
 1. SF pre-1914 water rights [scope: diversion, storage, present, and future] and water supply
 2. Impact on MID, TID
 3. Impact on other water rights
 4. SF, MID, TID organizational and contractual authorities and obligations related to water supply, management, and operations
- D. Water Quality impacts
 1. Source water quality at New Don Pedro
 2. SF M&I/drinking water quality (including treatment and public health)
- E. Federal statutes
 1. Wilderness Act
 2. Wild and Scenic Rivers
 3. DOI/NPS Administrative Requirements

Raker Act

- A. SF rights, obligations (including energy)
- B. MID, TID rights (including energy)
- C. Forest Service/Department of Interior authorities and obligations
- D. Other

Water supply replacement

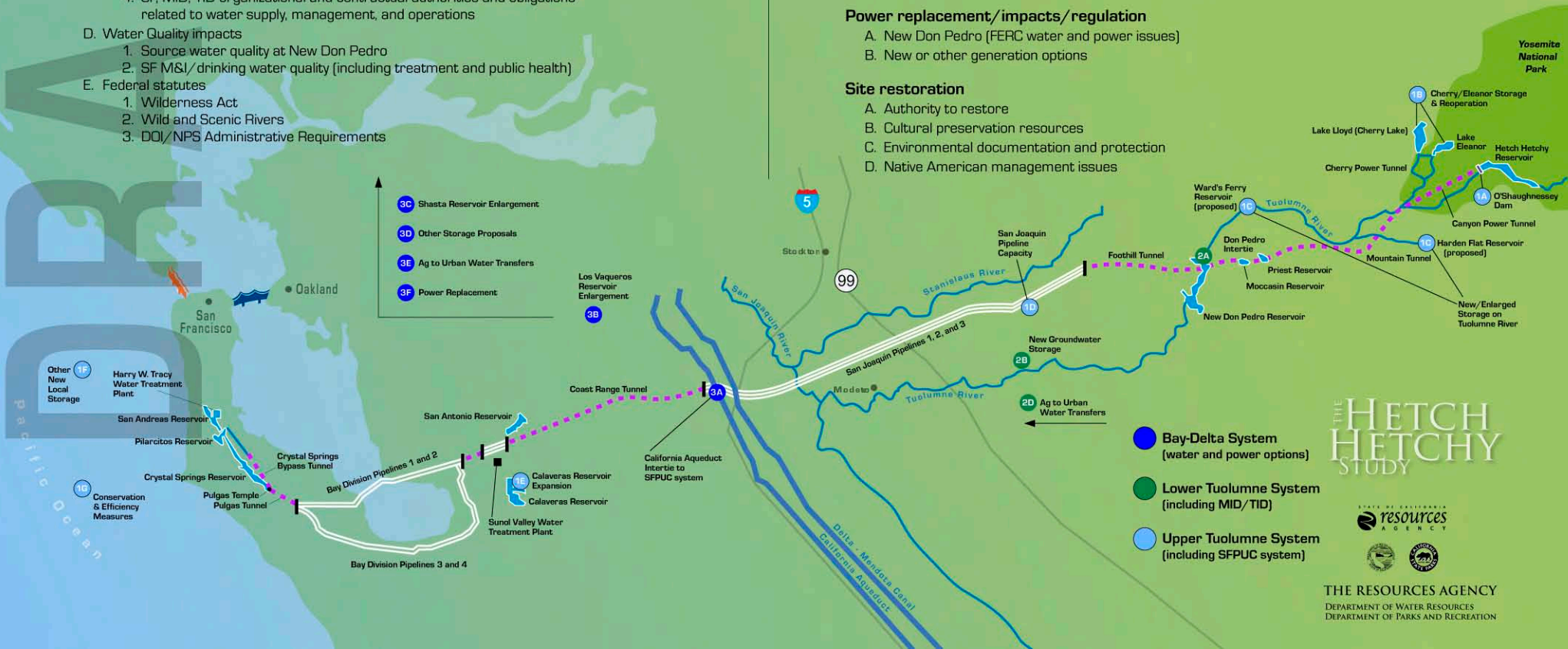
- A. Storage Proposals
 1. Use of New Don Pedro (new agreement among SF, MID, and TID)
 2. Other storage options (e.g., Calaveras enlargement)
 3. Terminal storage operational issues
- B. Water purchase/transfer issues [protection of legal users of water and environmental impacts]
 1. Surface water
 2. Groundwater (including local management issues)
- C. Water rights issues
 1. SF use of pre-1914 rights [change in point of diversion]
 2. New Don Pedro storage and/or diversion water rights issues
- D. Conveyance Proposals
 1. New Don Pedro intertie
 2. Delta diversion and SWP/CVP wheeling issues
 3. Hetch Hetchy Aqueduct/California Aqueduct intertie

Power replacement/impacts/regulation

- A. New Don Pedro (FERC water and power issues)
- B. New or other generation options

Site restoration

- A. Authority to restore
- B. Cultural preservation resources
- C. Environmental documentation and protection
- D. Native American management issues



THE HETCH HETCHY STUDY



THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DEPARTMENT OF PARKS AND RECREATION